

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GRIESING LAW, LLC,
Plaintiff,
v.

KLEINBARD LLC,
Defendant.

CIVIL ACTION NO. 2:22-cv-03302-PSD

**PLAINTIFF'S INITIAL DISCLOSURES
PURSUANT TO FED. R. CIV. P. 26(a)**

Plaintiff Griesing Law, LLC (“Griesing Law” or “Plaintiff”) make the following initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(A)(i)-(iv). These disclosures are made without waiver of or prejudice to any privilege or objection to disclosure, examination, production, or admissibility available with respect to the subject matter of these disclosures. By making these disclosures, Plaintiff does not represent that it has identified every witness, document, or tangible thing that may be relevant to this lawsuit. Plaintiff reserves the right to rely upon information or documents that are discovered later or determined to have been omitted from these disclosures and/or rely on individuals and documents identified by other parties to this litigation in their initial disclosures.

1. **Disclosure pursuant to Rule 26(a)(i) – the name and address of individuals likely to have discoverable information that Plaintiff Griesing Law may utilize in support of its claims or defenses, excluding solely for impeachment:**

The following individuals and entities are likely to have discoverable information that Plaintiff may use to support its defenses. Plaintiff can be contacted through their undersigned attorneys.

- (a) Francine Friedman Griesing, c/o Griesing Law, LLC, 1880 JFK Boulevard, Suite 1800, Philadelphia, PA 19103, can provide information about the factual basis of the claims and alleged damages;
- (b) Jessica Mazzeo c/o Griesing Law, LLC, 1880 JFK Boulevard, Suite 1800, Philadelphia, PA 19103, can provide information about the factual basis of the claims and alleged damages;
- (c) The Commonwealth Department of General Services, the Bureau of Diversity, Inclusion and Small Business Opportunity (“BDISBO”), George Burwell of the BDISBO, and the Advisory Council of the Pennsylvania Bureau of Diversity, Inclusion and Small Business Opportunity, can provide information about the Commonwealth’s procurement protocols and recommendations for expanding the participation of small and diverse businesses in Commonwealth procurement and the systems for monitoring and enforcing compliance with the procurement requirements including as to SDB participation;
- (d) Governor’s Office of General Counsel, 333 Market Street, 17th Floor, Harrisburg, PA 17101, can provide information about the RFP process establishing detailed procedures for responding to OGC RFPs for legal services and the systems for monitoring and enforcing compliance with the procurement requirements including as to SDB participation;
- (e) Former Commonwealth General Counsel Denise Smyler, Current Chair of the Pennsylvania Gaming Control Board, 303 Walnut Street, Strawberry Square, Commonwealth Tower, Fifth Floor, Harrisburg, PA 17101, can provide information about the RFP process establishing detailed procedures for responding to OGC RFPs for legal services and the systems for monitoring and enforcing compliance with the procurement requirements including as to SDB participation;
- (f) George Burrell c/o Kleinbard LLC, Three Logan Square, 1717 Arch Street, 5th floor, Philadelphia, PA 19103, can provide information about Guidance provided to the BDISBO Council, his participation on the BDISBO Advisory Council, including his service as Chair of the

Council's Subcommittee on Program Goals and Metrics, his appointment, service and responsibilities as Chair of the Commonwealth Board of Claims and as a judicial officer for the Board of Claims, recruiting Griesing as a SDB subcontractor for Office of General Counsel RFPs, Kleinbard's work for the Commonwealth and its failure to honor its obligations to Griesing under the RFPs and related contracts;

- (g) David Hyman c/o Kleinbard LLC, Three Logan Square, 1717 Arch Street, 5th floor, Philadelphia, PA 19103, can provide information about recruiting Griesing as a SDB subcontractor for Office of General Counsel RFPs, Kleinbard's work for the Commonwealth and its failure to honor its obligations to Griesing under the RFPs and related contracts;
- (h) Steven Engelmyer c/o Kleinbard LLC, Three Logan Square, 1717 Arch Street, 5th floor, Philadelphia, PA 19103, can provide information about recruiting Griesing as a SDB subcontractor for Office of General Counsel RFPs, Kleinbard's work for the Commonwealth and its failure to honor its obligations to Griesing under the RFPs and related contracts;
- (i) Eric Pritchard former Kleinbard partner, current partner Fisher Broyles, One Liberty Place, 36th Floor, 1650 Market St., Philadelphia, PA 19103, provide information about recruiting Griesing as a SDB subcontractor for Office of General Counsel RFPs, Kleinbard's work for the Commonwealth and its failure to honor its obligations to Griesing under the RFPs and related contracts;
- (j) Matthew H. Haverstick c/o Kleinbard LLC, Three Logan Square, 1717 Arch Street, 5th floor, Philadelphia, PA 19103, can provide information about Guidance provided to the BDISBO Counsel and recruiting Griesing as a SDB subcontractor for Office of General Counsel RFPs, Kleinbard's Political Law Practice, the many contracts Kleinbard has with the Commonwealth, the Treasurer, the Commonwealth legislature and any other branch or agency of the Commonwealth and its experience in government matters and relationships with government officials.
- (k) Former Treasurer of the Commonwealth of Pennsylvania, Joseph M.

Torsella, current member of Public School Employees Retirement System (PSERS) Board, c/o PSERS 5 N. 5th Street, Harrisburg, PA 17101 can provide information as to multiple contracts for legal services whereby the Treasurer engaged Kleinbard to provide legal services and the procedures for assuring that Kleinbard and other contractors to the Treasury Department complied with the Diversity and Integrity provisions of the contracts.

- (l) Majority Leader of the Pennsylvania State Senate or other persons authorized to hire legal services, Harrisburg Pennsylvania, can provide information as to multiple contracts for legal services whereby the Senate or any Committee, Group of Member of the Senate engaged Kleinbard to provide legal services and the procedures for assuring that Kleinbard and other contractors to the Senate complied with the Diversity and Integrity provisions required under Commonwealth contracts;
 - (m) Majority Leader of the Pennsylvania State House of Representatives or other persons authorized to hire legal services, Harrisburg Pennsylvania, can provide information as to multiple contracts for legal services whereby the House of Representatives or any Committee, Group of Member of the House of Representatives engaged Kleinbard to provide legal services and the procedures for assuring that Kleinbard and other contractors to the Senate complied with the Diversity and Integrity provisions required under Commonwealth contracts.
 - (n) Kleinbard's Chief Operating Officer or other person responsible for overseeing billing and collections for the firm c/o Kleinbard LLC, Three Logan Square, 1717 Arch Street, 5th floor, Philadelphia, PA 19103 can provide information as to the manner in which Kleinbard maintains billing and collection records including records of any payments made to Kleinbard by the Commonwealth, its agencies or other entities, the Treasury Department or any of the Commonwealth's branches of government and any amounts Kleinbard paid to Griesing.
2. **Disclosure pursuant to Rule 26(a)(1)(ii) – A copy of or description by category and location of all documents, data, compilation and tangible things in the possession, custody and/or control of Plaintiff, which it may use in support of its claims or defenses:**

- (a) Correspondence including meeting notes, emails and text messages between Plaintiff and Kleinbard, the Office General Counsel, Advisory Board of the Pennsylvania Bureau of Diversity, Inclusion and Small Business Opportunity Council.
- (b) Contracts and agreements related to the Commonwealth of Pennsylvania's RFP and SDB subcontractor programs.

3. Disclosure pursuant to Rule 26(a)(1)(A)(iii) – Computation of any category of damages claimed by Plaintiff

- (a) Plaintiff seeks economic, non-economic and punitive damages in this action and seek to recover their costs, disbursements, and attorneys' fees as may be allowed by law.
- (b) Discovery is ongoing and virtually all information necessary to calculate Plaintiff's damages are in the possession of Defendant and/or third parties. Plaintiff reserves the right to supplement this disclosure when the needed information is made available.

4. Disclosure pursuant to Rule 26(A)(1)(iv) – Any insurance agreement under which any person may be liable to satisfy all or part of the judgment which may be entered.

- (a) None. However, Plaintiff reserves the right to supplement this disclosure.

Date: January 9, 2023

Respectfully submitted,
GRIESING LAW, LLC

/s/ Julie Negovan

Julie Negovan (Atty. I.D. No. 81231)
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Attorneys for Plaintiff Griesing Law, LLC

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2023, I caused a true and correct copy of Plaintiff's Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a) to be filed using the Court's CM/ECF system, which will serve all counsel of record.

/s/ Julie Negovan
Julie Negovan